

**Washington County Land Use Authority Meeting  
May 12, 2009**

The Washington County Land Use Authority Meeting was held on Tuesday, May 12, 2009, in the Commission Chambers of the Washington County Administration Building. The meeting was convened at 1:30 p.m. by Chairman Stucki. Commissioners present, Debra Christopher, Joann Balen, Julie Cropper, Dave Everett, Kim Ford, and Doug Wilson. Also present were Planner Deon Goheen, Deputy Attorney Rachelle Ehlert, Building Official Kurt Gardner, Senior Planner John Willie and Todd Edwards, Public Works Department.

Audience attendance: Dana Truman, Gene Beck, Derald Terry, Bob Hermandson, Ried Pope, Bob Herpel, Sheila Dutton, Kylie Jones, Nelson Barr, Miles James, Brayden Chamberlain, Caydyn Westwood and Michael Anderson.

Chairman Stucki led the audience in the Pledge of Allegiance and explained meeting protocol.

**Item #1. CONDITIONAL USE PERMIT EXTENSION.** Review extension to operate an aggregate processing plant and crushing operation in an existing grand fathered pit in the containing 22.39 acres, a portion of Section 32, T39S, R16W, SLB&M, generally located east of Veyo. Sunroc Corporation/Russell Leslie and Dana Truman, applicants

The planner explained that this is an automatic annual review on a use within the A-10 zone under a grandfather clause, whereas the cinder pit was in existence since the zoning ordinance was adopted in 1972. The applicant has purchased the pit (22 acres) and they are operating an aggregate processing plant or a crushing operation on site. Previously, their site plan showed the location of roads, stock piles, equipment and overhead power lines. If there is to be any employees on site, the applicant needs to provide sanitary facilities.

Dana Truman, Sunroc, said that major improvements have been made, including cleaning up the area and installing a fence with a locked gate. They are not currently working the area, and have no plans to in the immediate future. This is a holding resource right now, but eventually it will be used for crushing and they would like to retain those rights.

**Motion was made by Commissioner Balen to recommend approval to operate an aggregate processing plant and crushing operation in an existing grand fathered pit generally located east of Veyo, for a period of one (1) year. Commissioner Everett seconded the motion. Five (5) commissioners voted Aye. The motion carried.**

**Item #2. CONDITIONAL USE PERMIT EXTENSION.** Review extension for a racing event, St. George River Run ½ Marathon and 5k, September 5, 2009, beginning near Veyo, running through Gunlock past the gravel pit and ending at Ivin's Unity Park. Blue Duck Racing/Bob Hermandson, applicant (*Tabled April 14, 2009*)

The planner explained that this is the second extension on the event sponsored by the Blue Duck Racing Association. This is a ½ marathon (13.1 miles), and 5k (3.2 miles), with approximately three hundred (300) attendees listed under the special event coverage as reported previously.

The applicant has advised staff that the run will begin at a location near Veyo, running through Gunlock and beyond the gravel pit, the reservoir and through the Shivwits Indian Reservation and on to Unity Park in Ivins. The applicant has met with the County Sheriff's Department and has provided a copy of their agreement of service during this event. The Shivwits Indian representative previously granted approval for crossing the reservation. The applicant has updated the liability insurance policy listing Washington County as a beneficiary, and will provide the same amount of rest stops and porta-potties. Communications and emergency access should be addressed. These types of events are conditionally approved.

Bob Hermandson, applicant, said they had around two hundred (200) participants last year. They added additional rest stops and porta-potties and the number worked out really well. They will add two more at the beginning for the runners who arrive at the last bus right before the race starts. Everything went smoothly last year.

**Motion was made by Commissioner Christopher to recommend approval for an extension of a racing event, St. George River Run ½ Marathon and 5k, for a period of one (1) year. Commissioner Cropper seconded the motion. Five (5) commissioners voted Aye. The motion carried.**

**Item #3. CONDITIONAL USE PERMIT EXTENSION.** Review extension for a racing event, Pine Valley 5 & 10 K Run, August 15, 2009, at 7:30 a.m., beginning at the east end of Main Street in Pine Valley. Blue Duck Racing/Bob Hermandson, applicant

The planner explained that the route has been changed and the applicant needs to work out the details and provide updated information.

Commissioner Wilson arrived at 3:45 p.m.

Bob Hermandson, applicant, explained that they are going through the permitting process with Dixie National Forest. The route will be the dirt road from Pine Valley to Pinto. The race will not be held until August.

**Item was withdrawn at request of applicant.**

**Item #4. CONDITIONAL USE PERMIT EXTENSION.** Review extension for operating a beauty shop within a home in Dammeron Valley Farms, lot 27 in the Dammeron Valley area of the County. Jessica Behunin, applicant

The planner explained that staff was unable to contact the applicant, but the applicant was not able to get approval from SWUPHD on the existing septic tank for this extended use to their residence and they did not want the expense of a new larger tank.

**No action was taken to allow use to expire.**

**Item #5. CONDITIONAL USE PERMIT EXTENSION.** Review extension to build a Fire Station/Office, adding another station in the Diamond Valley area, with the building being

located at the southwesterly end of the valley, Lot D, Diamond Valley Acres - Phase 2 - Plat A. Derald Terry, agent

The planner explained that this is the first automatic annual review and a permit has not been issued as yet. The building official advised of the plan review having been started and the permit may be issued this next week. The Fire Station for the SWSSD was located within an existing water company building. As previously reviewed, the fire district is needing to expand, so they are proposing to build a structure southwest of the existing location on a platted parcel provided for community use, Track D in Diamond Valley Acres. Letters stating feasibility have been submitted from the Southwest Utah Public Health Department on the septic system and culinary water is provided by the Diamond Valley Water Company.

Derald Terry, agent, explained that the delay has been from waiting on funding from the State. The building permit has been obtained and construction will begin tomorrow.

**Motion was made by Commissioner Ford to recommend approval for a Conditional Use Permit Extension on a Fire Station Office in the Diamond Valley area, for a period of one (1) year. Commissioner Balen seconded the motion. Six (6) commissioners voted Aye. The motion carried.**

**Item #6. CONDITIONAL USE PERMIT EXTENSION.** Review extension for a private recreation facility (Pavilion) for family reunions on Kolob, within the SFR-1 zone, generally located north of the Blue Springs Reservoir, Section 12, T39S, R10W, SLB&M. Sheila Dutton, applicant.

The planner explained that this is an automatic annual review on construction of a 38' x 60' pavilion for family reunions to be held during the summer months. Permit inspection reports showed that a foundation wall inspection was made on June 27, 2008. As previously reviewed, their culinary water is provided by the Terrace Drive Mutual Water Company. They are building restrooms and a kitchen facility within the proposed pavilion.

Sheila Dutton, applicant, showed photos of the progress of the pavilion walls.

**Motion was made by Commissioner Christopher to recommend approval for a Conditional Use Permit Extension on a private recreation facility (pavilion) for family reunions on Kolob, for a period of one (1) year. Commissioner Cropper seconded the motion.**

There was a question on the motion whether the use for family reunion should be deleted from the motion because it is limiting. The planner advised that it's important to clarify that it can only be have a noncommercial use. Permitting was given for bathrooms and a storage area, but no sleeping inside the building.

**The first and second agreed to the clarification. Six (6) commissioners voted Aye. The motion carried.**

**Item #7. PLAT AMENDMENT.** Consider plat amendment for Al Truman Subdivision Amended, to split lot 7 into two (2) lots hereafter known as lots 7A and 7B, Section 15, T39S, R15W, SLB&M, and 7B is a flag lot with a 25' easement, located on Sage Road in Pine Valley. Bob Herpel, agent (Tabled April 14, 2009)

The planner reminded the commission that a public hearing was held on March 10, 2009, which was referenced by State Code, whereas, notice of hearing to consider approval of a subdivision plat was sent by mail to property owners in this subdivision and within a proximity to the property as defined by local ordinance three days before the hearing. This item was tabled at the previous meeting to allow applicant time to generate notations on the plat regarding fire protection and alternative waste disposal systems and a letter from the WCWCD authorizing an alternative system. Issues from the Public Works review have been addressed if additional notes on the plat include the square footage of home would be limited to 3,600, with the fire flows that are available. As previously reviewed, the applicant has submitted an amended plat, showing septic test pit and results on the plat and previous notations requested, Al Truman Subdivision Amended, to create an additional lot 7B and adjust the south lot line on lot 4, by adding the width of a twenty-five foot (25') staff road and expanding the size of lot 7B to meet the requirement of the Zoning Ordinance of 13,500 square feet. The rest of the subdivision is to remain the same as shown of the original recorded plat. As previously reviewed, the applicant has submitted will serve letters on power, phone, and water, and a letter of septic feasibility from the Southwest Utah Public Health Department. Staff advises that this plat cannot officially be approved until the subdivision ordinance amendment on sewer system proposals is effective, which will delete the provision on alternative systems approved only in developments prior to December 9, 1997. The County Commission should approve the subdivision ordinance amendment on the May 19, 2009, with the ordinance becoming effective 15 days later. The applicant was informed that he could present the plat amendment at the regularly scheduled meeting on June 9, 2009. The applicant wanted this item heard on the 14<sup>th</sup> of May, asking the planning commission to recommend approval on a "subject to" basis.

Bob Herpel, agent, concurred with the planner's comment. Mr. Herpel also said that the telephone company, Qwest told him that they don't usually provide a letter when an easement was being abandoned. The planner will check with Qwest and verify that information.

Todd Edwards, Public Works Department, reported that Rosenberg Associates did a study that shows that there will be a minimum of five hundred (500) gallons per minute and still have twenty (20) psi residual pressure in the system. Mr. Edwards explained the spacing location from the Fire Code that the fire hydrant has to be within two hundred fifty feet (250') from the access of the lot onto the public right of way.

**Motion was made by Commissioner Everett to recommend approval for a Plat Amendment for Al Truman Subdivision Amended, to split 7 into two (2) lots hereafter known as lots 7A and 7B in Pine Valley, subject to Staff making call to phone company to verify that they have no problem with abandonment of the easement. Commissioner Balen seconded the motion. Six (6) commissioners voted Aye. The motion carried.**

Chairman Stucki closed the Planning Meeting and opened a Public Hearing at 2:19 p.m.

**Item #8. PUBLIC HEARING:** Open hearing for a plat amendment approval for Grassy Meadows Sky Ranch II Subdivision 3rd Amended, located on 4230 South near Hurricane. LR Pope Engineers & Surveyors, agent

The planner explained that a notice of hearing to consider approval of a subdivision plat was sent by mail to property owners in this subdivision and within a proximity to the property as defined by local ordinance three days before the hearing.

Reid Pope, agent, explained that the owners want to combine the lots to save money on taxes. If the lots are combined, the total property could be considered as a primary residence.

There was a discussion regarding the possibility for the owner to divide the property in the future, but it was explained that all the subdivision requirements would have to be met at that time and that would be costly.

Todd Edwards, Public Works Department, asked if the addressing could be corrected in the area, since many of the street names are only on the plats, but not on the County system or on the street signs.

Chairman Stucki closed the Public Hearing and reopened the Planning Meeting at 2:31 p.m.

**Item #9. PLAT AMENDMENT.** Consider plat amendment for Grassy Meadows Sky Ranch II - No. 3 Amended, consolidating lots 29, 30 and 31 from the original plat into one lot to be hereafter known as lot 30 and abandon any and all easements, located on 4230 South near Hurricane. LR Pope Engineers & Surveyors, agent

The planner explained that the applicant has submitted an amended plat and public notice was given that the Washington County Land Use Authority will hold a hearing on a subdivision plat, Grassy Meadows Sky Ranch II Subdivision 3<sup>rd</sup> Amended, to consolidate lots 29, 30 and 31 from the original plat into one lot to be hereafter known as lot 30 and abandon any and all easements. The rest of the subdivision is to remain the same as shown on the original recorded plat.

The planner advised that if this is approved, it should be subject to the utility letters being obtained before this goes on to the County Commission.

**Motion was made by Commissioner Everett to recommend approval for a Plat Amendment for Al Truman Subdivision Amended, consolidating lots 29, 30 and 31 from the original plat into one lot to hereafter be known as lot 30 and abandon any and all easements, located on 4230 South near Hurricane, subject to utility letters being obtained and corrections being made to the addresses. Commissioner Christopher seconded the motion. Five (5) commissioners voted Aye. Commissioner Ford voted Nay. The motion carried on a split vote.**

Chairman Stucki closed the Planning Meeting and opened a Public Hearing at 2:55 p.m.

**Item #10 PUBLIC HEARING.** Open hearing for Washington County Subdivision Ordinance amendments regarding sewer proposal and construction plans for subdivision improvements. County initiated.

The planner explained that amending Washington County Subdivision Ordinance requires a minimum ten days published notice and 24-hour posting of agenda before other public meetings. This Amendment has met those requirements. There were two minor corrections from the last review, making changes in wording that will not change the meaning or intent.

Chairman Stucki closed the Public Hearing and reopened the Planning Meeting at 3:05 p.m.

**Item #11. ORDINANCE AMENDMENT.** Consider approval of the Washington County Subdivision Ordinance Amendment, Title 11, Chapter 5, Improvements: Section 11-5-1: Sewer Proposal and Construction Plans. County initiated.

The planner explained that this ordinance amendment is a combined effort between the County and all agencies (ACSSD, WCWCD, DEQ and SWUPHD). As previously reviewed, this section of Chapter 5 of the Subdivision Ordinance needs to be revised, whereas, the County Commission approved a resolution on July 15, 2008 to expand Ash Creek Special Service District (ACSSD) boundaries. On January 20, 2009, the Washington County Water Conservancy District (WCWCD) was approved as the service provider for the west end of the County, and those agreements were finalized on April 21, 2009. The agencies have been meeting together since March 12, 2009, to define the process standards used and the responsibilities.

**Motion was made by Commissioner Balen to recommend approval of Washington County Subdivision Ordinance Amendment, Title 11, Chapter 5, Improvements, Section 11-5-1: Sewer Proposal and Construction Plans. Commissioner Everett seconded the motion. Six (6) commissioners voted Aye. The motion carried.**

**Item #12. DISCUSSION ITEM/STUDENT REVIEW.** Dixie High School student review on Lake Powell Pipeline. Ag Issues Group/Dave Gust, applicant

The students from Dixie High School Ag Issues Group gave a thirty (30) minute presentation on the Lake Powell Pipeline. This was educational and allowed the students the opportunity to report to a body politic. This was practice for a scholarship competition and the students provided accurate information and presented both sides for review.

**Item #13. LEGISLATIVE UPDATES.** Review the 2009 Legislative Summary of House and Senate Bills effective May 10<sup>th</sup>. County Initiated.

The planner reviewed the 2009 Legislative Updates with a summary presentation, which was given at Utah Counties Insurance Pool (UCIP) training.

The first was **House Bill 84:** This bill enacts a definition of "water interest"; places limitations and restrictions on the imposition of an exaction for a water interest by a county, a county's culinary water authority, or a municipality; and requires culinary water authorities to provide the basis for its calculations of projected water interest requirements.

This is a Land Use Task Force bill that resulted from 2008's HB51 Water Forfeiture bill. It was designed to address the unlikely situation in which a jurisdiction has sufficient water rights for its 40 year projection of future demands. If a jurisdiction already has sufficient water rights to meet its 40 year demand, then it no longer can exact water from developers (until its demand again exceeds its supply). The bill defines the term "water interest" to include all forms by which a municipality may hold water: deeded water rights, contract rights, shares in water companies, leaseholds, etc. For all municipalities, the bill requires that a water exaction must be based on a written formula and calculation that the applicant may scrutinize, and ultimately, may challenge as disproportionate to the proposed impact.

The next was **House Bill 259**: This bill enacts a definition of "charter school" in impact fee provisions; repeals obsolete language relating to impact fees; clarifies the purposes of an impact fee capital facilities plan; modifies provisions relating to the written analysis associated with impact fees; modifies provisions relating to an impact fee enactment; limits impacts fees that can be imposed on a school district or charter school; requires local political subdivisions and private entities to ensure that their impact fees comply with the requirements of this bill, even if the impact fee was earlier imposed but not paid; requires a local political subdivision or private entity to participate in mediation of any applicable fee if the state, a school district, or a charter school requests mediation; narrows a limitation on a county and municipality's ability to impose regulations on the location of a facility to apply only to certain educational facilities.

Allows municipalities to fully apply land use ordinances to school district buildings that are not schools (bus barns, food preparation, administration buildings). Requires charter schools and traditional public schools to be treated the same for impact fee purposes, and to pay all impact fees except a parks impact fee. (We don't know of any jurisdiction who charged a school a parks impact fee.) The bill requires both public and charter schools to submit plans and encourages them to submit plans early, to "vest" their plans in current impact fee ordinances. The bill creates an informal mediation process for impact fees.

Next was **Senate Bill 153**: This bill prohibits counties and municipalities from requiring, as a condition of land use application approval, a person to obtain documentation regarding a school district's willingness, capacity, or ability to serve the development proposed in the land use application; prohibits counties and municipalities from charging fees that exceed applicable costs; and requires counties and municipalities, on request, to itemize and show the basis of fees they impose.

This is a Land Use Task Force bill that was introduced to address the allegation that some jurisdictions were allowing school districts a "bite" of the exactions apple in the development process by allowing them to hold up development approval until they had reached an accord with the developer and then issued a "will serve" letter. In another UDOT-related context, the State Supreme Court had already outlawed the practice of local jurisdictions exacting concessions from developers to serve purposes that were unrelated to their municipal mission. This bill codifies the common law. Further, some jurisdictions were using development permit fees as a revenue generating opportunity (beyond the cost of processing the permit or providing the service). This practice is now illegal.

Next was **Senate Bill 209**: This bill modifies county and municipal provisions relating to the notice required for a proposed subdivision or an amendment to a subdivision and makes them apply to amendments only; modifies county and municipal provisions relating to a hearing and notice requirement for a proposal to vacate, alter, or amend a public street or right-of-way to: make the provisions apply to a proposal to vacate some or all of a public street, right-of-way, or easement; replace the land use authority with the legislative body as the body responsible to hold a public hearing and provide notice.

This is a Land Use Task Force bill that was introduced to clean up many of the “glitches” in the subdivision laws that resulted from the 2005 LUDMA revisions. Further, it makes it possible to vacate streets that are not part of a subdivision plat.

Next was **House Bill 258**: This bill modifies a reference to a notice provision in a provision relating to proposed changes to subdivision plats; corrects a technical error in the 2005 LUDMA revisions.

Next was **House Bill 323**: This bill modifies the notice that certain entities are required to provide before preparing a proposed general plan or amendment, long-range plan, or capital facilities plan so that: some entities are required to provide notice on the Utah Public Notice Website rather than to the state planning coordinator; and those entities not required to provide notice on the Utah Public Notice Website but that voluntarily provide notice on that website need not provide notice to the state planning coordinator.

This bill clarifies that land-use amendments that include general plan changes, long range plan changes, or capital facilities plan changes must be properly noticed on the Utah Public Notice Website. It also clarifies that if such notices are posted on the website that the additional notice to the state planning coordinator is not required. If, however, a jurisdiction is not required to use the Public Notice Website due to its small size, it still has to provide notice to the planning coordinator unless it chooses to voluntarily use the Utah Public Notice Website. This should be a fairly simply change in the noticing process for these items.

Next was **Senate Bill 26**: This bill clarifies that the minutes of a meeting must include information requested to be added by a member only if that information was part of the proceedings of the meeting; provides specific circumstances as to when the written minutes of an open meeting become a public record; requires a public body to establish and implement procedures for approval of written minutes; requires that a recording of an open meeting must be available to the public for listening within three business days after the meeting; repeals a requirement that a recording must be converted to written minutes within a reasonable time upon request; provides that a meeting recording is not required for site visits or traveling tour or for certain small local districts.

This bill will have some impact on cities current meeting recording requirements. The bill specifies that meeting minutes are deemed to be public records once they have been completed and are ready for the governing body’s inspection. Because those minutes have not yet been approved by the governing body, it should be noted that the minutes are not yet approved and are unofficial until the governing body votes to approve the minutes. The bill also requires that the city or town establish, in ordinance, a formal process for approving minutes if such a process is not already outlined. Lastly, the bill requires that the audio recording of a public meeting be made available for public inspection within three business days of the meeting.

Next was **House Bill 27**: This bill eliminates the presumption that agricultural operations are conducted in accordance with sound agricultural practices and provides that agricultural operations are not nuisances.

The bill essentially creates a rebuttable presumption that a agricultural practices are not a nuisance if they are conducted in accordance with sound agricultural practices. The bill does, however, allow for a nuisance to be declared if it is demonstrated that the practice is a general threat to health, safety and welfare of the public. This provision was put in at the request of the ULCT.

Next was **House Bill 272**: This bill changes the membership of the Utah State Scenic Byway Committee; provides that the governor shall appoint certain members to the Utah State Scenic Byway



Committee; provides that the term of office for Utah State Scenic Byway Committee members is four years, except that the governor shall stagger certain terms; provides that the Legislature shall approve highway and state scenic byway nominations for National Scenic Byway or All-American Road designation; provides that a highway located within a county, city, or town within this state may not be included as part of a designation or nomination as a state scenic byway, National Scenic Byway, or All-American Road unless the nomination or designation is sanctioned in writing by an official action of the legislative body of each county, city, or town in which the highway passes.

This bill statutorily codifies many of the practices already undertaken by the Utah Scenic Byway Committee. The bill does however require that the affected local governments agree to the designation of a scenic byway prior to that byway being established. The bill also requires the approval of the local government if an existing scenic byway is to be segmented. If the local government fails to respond to a request for segmentation, the bill also provides an appeal provision to allow the segmentation request to go directly to the state scenic byway committee. The bill was highly scrutinized by the State Department of Tourism, Economic Development as well as the ULCT to ensure heightened local government participation in the designation and segmentation process for scenic byways.

Next was **House Bill 61**: This bill modifies and clarifies the process of certifying local government changes that affect or create local government boundaries and local government name changes. The bill provides a process for certifying final local entity plats for local government boundary changes; eliminates a requirement for municipalities to prepare articles of incorporation as part of the incorporation process and eliminates an alternative to filing articles of incorporation; modifies the authority of city officers-elect; modifies the duties of the lieutenant governor, county surveyors, and county recorders in the process of certifying local government boundary and name changes; modifies the process for a municipality to change its name; establishes the date of recording documents related to a boundary action as the effective date of the boundary action for purposes of assessing property affected by the boundary action; imposes restrictions on a local entity's imposition of property taxes, assessments, or fees until documents related to the boundary action are recorded; modifies the event from which the effective date of a municipal annexation or boundary adjustment is calculated.

Technical bill which should make it easier to incorporate, annex, or certify boundary change agreements.

Last item that affects Land Use Authority was **Senate Bill 171**: This bill modifies a provision requiring the owner's signature on an annexation petition if only part of the parcel is proposed to be included in an annexation to specify that property with multiple parcel numbers but owned by the same owner is considered to be a single parcel; and provides that a municipality may annex an area without a property owner annexation petition if the area is an unincorporated island or peninsula of 50 acres or less and the municipality and county agree the area should be annexed. Removes the protest ability of a county in third through sixth class counties if the area to be annexed has not commercial, industrial or residential development and the landowner petitions for the annexation.

This bill makes it easier to annex land into municipalities in three specific contexts: 1) if the land is undeveloped and the property owner wants to annex, the annexation can no longer be protested by "affected entities". Therefore, the land can be annexed if the municipality so desires; 2) if the land is within a peninsula or island, is less than 50 acres, and the county and the city agree that it belongs within the city, in rural counties, the land now can be annexed without the property owner's consent; 3) if the owner has multiple parcels of contiguous land, for annexation purposes, the land will be considered a single parcel. This provision will limit the discretion of the boundary commission over multiple parcels owned by a single landowner.

**Item #14. STAFF DECISIONS.** Review of decisions from the Land Use Authority Staff Meeting held on May 5, 2009. County initiated.

The staff meeting convened at 9:00 a.m. Staff Members Present: Deon Goheen, Planning & Zoning Administrator; Kurt Gardner, Building Official; John Willie, Senior Planner; Todd Edwards, County Engineer; Tina Esplin, Washington County Water Conservancy District; Darwin Hall, Ash Creek Special Service District Manager; and Laurence Parker, Southwest Utah Public Health Department;

Excused: Rachelle Ehlert, Deputy Civil Attorney; Ron Whitehead, Public Works Director; and Randy Taylor, Department of Environmental Quality.

**CONDITIONAL USE PERMIT EXTENSION.**

**A. Review extension on a single family dwelling within the A-20 zone, Enterprise Ranchos, Block 3, Lot 14, generally located 2 miles northeast of Enterprise. James & Barbara Brown, applicants.**

The planner explained that this is the 2<sup>nd</sup> extension. The applicant previously met the requirements for the Conditional Use Permit by submitting a site plan, septic permit and documentation on water from a private well, showing quantity and a verbal from a representative of Southern Utah University Water Laboratory stating the bacteriologic examination was satisfactory on quality of water. The property is accessed from Hwy. U-18., then entering the property from Bench Road. The site plan meets all setback requirements. Final occupancy (Permit #5671) was granted in October of 2008, by the Building Official Kurt Gardner. The construction on the home meets the requirements of the International Building Codes. **The staff unanimously approved the Conditional Use Permit, based on permanent status.**

**B. Review extension to build a 2<sup>nd</sup> dwelling for a family member within the A-20 zone, located in the Prince Lot Split, which is north of the North Valley Ranches Subdivision. Tim & Kristy Northon, applicant**

The planner explained that this is an automatic annual review. Previously, the applicant met the requirements for a Conditional Use Permit by submitting a site plan, deeds of ownership, septic permit from the Southwest Utah Public Health Department, and a letter from the North Valley Ranch Water Company stating they will serve water. Second dwellings for a family member are conditionally approved within the A-20 zone, with the property containing 20 acres, Prince Lot Split (1 of 8 lots approved). The property is accessed from Hwy 144, at 1451 E. 2000 North, generally located northeast of New Harmony. The site plan met all setback requirements for 25' on the sides, rear and frontage. There is record (Permit #5871) of the underground plumbing being inspected on July 1, 2008, by Building Inspector Henry Brannon. **The staff felt there would be no problem in approving this Conditional Use Permit for a one (1) year period.**

**Item #15. MINUTES.** Consider approval of the minutes of the regular planning commission meeting and work meeting held on April 14 & 28, 2009.

Rachelle Ehlert, Deputy County Attorney explained that the minutes of April 14, 2009, should be approved subject to Dave Patterson's review and approval. Ms. Ehlert was unable to attend this meeting, and Mr. Patterson attended in her place.

**Motion was made by Commissioner Everett to approve the minutes of April 14, 2009, subject to Dave Patterson's approval. Commissioner Ford seconded the motion. Six (6) commissioners voted Aye. The motion carried.**

**Motion was made by Commissioner Cropper to approve the minutes of April 28, 2009, as written. Commissioner Everett seconded the motion. Six (6) commissioners voted Aye. The motion carried.**

**Item #16. COUNTY COMMISSION ACTION REVIEW.** Review of action taken by the County Commission on Planning Items. County initiated.

**No action taken.**

**Item #17. COMMISSION & STAFF REPORTS.** General reporting on various topics. County initiated.

The planner announced that there will not be a Land Use Authority Work Meeting on May 26, 2009.

There being no further business at 3:48 p.m., Chairman Stucki adjourned the meeting.

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Donna Rasmussen, Planning Secretary

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